

for



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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/728,866   | 12/08/2003  | Takeshi Makiyama     | 1152-0295P          | 1179             |
| 2292   | 7590        | 06/06/2005           | EXAMINER            |                  |
| BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                      | SHERALI, ISHRAT I   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2621                |                  |

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/728,866

**Applicant(s)**

MAKIYAMA ET AL.

**Examiner**

Sherali Ishrat

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **Response to Amendment/Arguments**

1. This action is in response to amendment/arguments received on 12/15/2004.

Applicant's arguments are fully considered however they are moot due to new grounds of rejection, which was necessitated due to amendment to the claims.

## **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 22-23 are rejected under 35 USC § 102 (b) as being anticipated by Wu et al. (US 5,376,968).

Regarding claim 22 Wu discloses image coding apparatus (Fig. 1, shows image coding apparatus, Transform, Quantize and Encode) comprising:

a motion compensation means (Wu, Fig 1, col. 8, lines 24-25, Wu states "compression mode using motion compensation" which corresponds to motion compensation means);

a transforming means (Wu, Fig 1, blocks 12, 26 and 44 col. 27-28, Wu shows transforming means);

a quantizing means (Wu, Fig 1, blocks 12, 26 and 44 col. 27-28, Wu shows transforming and quantizing means);

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an inverse quantizing means composed of plural quantizing (Wu, Fig 2, block 84 shows inverse quantizing means and col. 12, lines 36-45, figure 5 decompression, inverse quantizing and inverse transform process luminance data, and figure 4 process chrominance data and shows inverse quantize DPCM CHROM/PCM CHROM i.e plural inverse quantizing tools);

an inversing transform means (Wu, Fig 2, block 86 shows inverse transforming means);

image data coding apparatus transmits information indicating tools constituting a decoding algorithm for decoding image data (Fig. 4 and 5 shows image coding apparatus transmitting tools for decoding algorithm such as Quantized DPCM CHROM/PCM CHROM);

information indicating tools includes an inverse quantizing tools (Wu, Fig 5 and 6 shows a decoder and col. 12, lines 24-29, Wu states overhead data includes a code word identifying the superblock was compressed using PCM or DPCM which means that inverse quantizing is for DPCM CHROM OR PCM CHROM)

Regarding claim 24 Wu discloses image decoding apparatus (Figs. 1 and 2, shows image decoding apparatus, inverse Transform, and inverse Quantizer comprising:

a motion compensation means (Wu, Fig 1, col. 8, lines 24-25, Wu states "compression mode using motion compensation" which corresponds to motion compensation means);

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an inverse quantizing means (Wu, Fig 2, block 84 shows inverse quantizing means);

an inversing transform means (Wu, Fig 2, block 86 shows inverse transforming means);

an inverse quantizing means composed of plural inverse quantizing tools (Wu, Fig 2, block 84 shows inverse quantizing means and col. 12, lines 36-45, figure 5 decompression, inverse quantizing and inverse transform process luminance data, and figure 4 process chrominance data and shows inverse quantize DPCM CHROM/PCM CHROM i.e plural inverse quantizing tools).

image data decoding apparatus receives information indicating tools constituting a decoding algorithm for decoding image data (Fig. 4 and 5 shows image decoding apparatus receiving tools for decoding algorithm such as Quantized DPCM CHROM/PCM CHROM and to inverse quantizing DPCM or PCM);

information indicating tools includes an inverse quantizing tools (Wu, Fig 5 and 6 shows a decoder and col. 12, lines 24-29, Wu states overhead data includes a code word identifying the superblock was compressed using PCM or DPCM which means that inverse quantizing is for DPCM CHROM OR PCM CHROM)

## Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

## Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherali Ishrat whose telephone number is 571-272-7398. The examiner can normally be reached on 8:00 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Au Amelia can be reached on 571-272-7414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ishrat Sherail

Patent Examiner

Group Art Unit 2621

May 28, 2005

  
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